

**LESS POLLUTING STREET SWEEPERS**  
*DRAFT – Not reviewed by Legal Counsel –*  
*March 23, 2005*

Adopt article 4 within Chapter 3, Division 3, Title 13, California Code of Regulations, and new Sections, 2025 and 2025.1, to read as follows: (Note: The entire text of Sections 2025 and 2025.1 set forth below is new language proposed to be added to the California Code of Regulations.)

Section 2025. Lower Emission Sweepers Owned and/or Operated in the South Coast Air Basin.

(a) Purpose.

To reduce air toxic and criteria pollutant emissions, this regulation requires certain public and private sweeper fleet operators to acquire less-polluting sweepers when purchasing or leasing these vehicles for sweeping operations undertaken by or for governments or governmental agencies in the South Coast Air Basin.

(b) Applicability.

(1) This rule applies to any federal, state, county, city or governmental department or agency, any special district such as water, air, sanitation, transit, and school districts, or private individual firm, association, franchise, contractor, user or owner who provides sweeping services to a governmental agency located in the South Coast Air Basin that owns or leases 15 or more vehicles, including passenger cars, light-duty trucks, and medium- and heavy-duty on-road vehicles, but excluding those vehicles defined by Vehicle Code Section 27156.2 or Title 13 of the California Code of Regulations Section 1905.

(2) An owner/operator of a street sweeper fleet is required to comply with this control measure for each individual purchase or lease that occurs after August 1, 2005. Companies formed subsequent to August 1, 2005 must comply with this regulation for all sweepers purchased or leased.

(c) Definitions. The definitions in Section 2020 shall apply to Sections 2025 and 2025.1. In addition, the following definitions shall apply to Sections 2025 and 2025.1:

“Affected Governmental Agency” means any governmental agency in the South Coast Air Quality Management District’s jurisdiction that owns or leases 15 or more vehicles, including passenger cars, light-duty trucks, and medium- and heavy-duty on-road vehicles, excluding those vehicles defined by Vehicle Code Section 27156.2 or Title 13 of the California Code of Regulations Section 1905.

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“Auxiliary Engine” means an off-road engine that is certified as an off-road engine pursuant to Title 13 of the California Code of Regulations, Division 3, Chapter 9 *et seq.* and is used solely to power the sweeper’s equipment.

“Fleet Operator” is any federal, state, county, city, or governmental department or agency, any special district such as water, air, sanitation, transit, and school districts, or private individual firm, association, franchise, contractor, user or owner who provides sweeping services to a governmental agency that owns or leases 15 or more vehicles, including passenger cars, light-duty trucks, and medium- and heavy-duty on-road vehicles, excluding those vehicles defined by Vehicle Code Section 27156.2 or Title 13 of the California Code of Regulations Section 1905.

“Governmental Agency” includes any federal, state, regional, county, city, or governmental department and agency, and any special district such as water, air, sanitation, transit, and school districts. See “Affected Governmental Agency.”

“Main Engine” means an on-road engine that has been certified by the California Air Resources Board pursuant to Title 13 of the California Code of Regulations Division 3, Chapter 1, Article 2, *et seq.* and is used to propel the sweeper vehicle along public roads.

“Purchase or Lease” means that a purchase or lease contract has been signed by both parties for a sweeper to be delivered within 1 year of the purchase or lease contract date, which is the date the contract is signed by both parties.

“Sweeper” means any heavy-duty vehicle with a gross vehicle weight of 14,000 pounds or more that is permitted to operate on public roads through California Department of Motor Vehicle registration or the federal government and used for the express purpose of removing material from paved surfaces, by mechanical means through the action of one or more brooms, or by suction through a vacuum or regenerative air system or any combination of the above.

“Sweeping Operations” means operations to remove material from paved surfaces using sweeper(s), as defined by this rule.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code.  
Reference: Sections 39002, 39003, 39658, 43000, 43013, 43018, 43101, 43102, 43104, 43105, and 43700, Health and Safety Code.

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Section 2025.1. Determining Compliance

(a) Purchase and Lease Requirements for Requirements for Street Sweepers in the South Coast Air District.

(1) When purchasing or leasing a street sweeper or street sweeper engine for use within the jurisdiction of the South Coast Air Quality Management District, an owner shall comply with best engine selection/technology (BEST) requirements as follows:

(A) A California-certified engine or engines that meet(s) the applicable criterion specified in subparagraph (a)(2), or

(B) A California-certified engine or engines with a verified diesel emission control strategy that reduces emissions of NO<sub>x</sub> and PM to the applicable criterion specified in subparagraph (a)(2) as determined by the verified performance of the strategy and engine combination and sound engineering judgment.

(2) The best available engine [or best engine] purchase option [or best engine selection track (BEST)] is defined by the following criteria:

(A) For main engines:

1. 2005-2006 Model Year Engine: Effective upon filing with the Secretary of State, the main engine must be certified to the optional NO<sub>x</sub> plus NMHC standard of 1.8 g/bhp-hr or lower and to the corresponding PM standard of 0.03 or lower g/bhp-hr as specified in title 13, CCR, section 1956.8 (a)(2)(A).

2. 2007-2009 Model Year Engine: Beginning January 1, 2007, the main engine must be certified to the 2007 and subsequent standards specified in title 13, CCR, section 1956.8 (a)(2)(A), provided the declared NO<sub>x</sub> FEL of the engine does not exceed [0.2 - 0.9]<sup>1</sup> g/bhp-hr.

3. 2010 and Subsequent Model Year Engine: Beginning January 1, 2010, the main engine must be certified to the standards specified in title 13, CCR, section 1956.8 (a)(2)(A).

(B) For Auxiliary Engines: Effective upon filing with the Secretary of State, the auxiliary engine must be certified pursuant

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<sup>1</sup> Staff is requesting comments on the value within this range that should be the upper allowable Family Emission Limit for NO<sub>x</sub> emissions.

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to Title 13, Division 3, Chapter 9 and have emission certification values which do not exceed 1.0 g/bhp-hr for NO<sub>x</sub> plus hydrocarbons or 0.01 g/bhp-hr for PM.

(b) Compliance Special Circumstances

(1) Use of Experimental Diesel Emission Control Strategy. An owner/operator may purchase or lease a sweeper operating under an experimental permit provided that the engine and/or emission control strategy combination is intended to demonstrate requirements in subsection (a). Each vehicle will be considered to be in compliance for the duration of the experiment, or a maximum of two years. The owner/operator must bring the sweeper into compliance within six months of the end of the testing and evaluation period. No experimental emission control strategy may be used to comply with this regulation after December 31, 2010.

(2) Exemptions. An owner may be granted an exemption to the provisions of subsection (a)(1) by the Executive Officer under one of the following conditions:

- (A) Upon demonstration to the Executive Officer that no compliant engine and chassis configuration or verified diesel emission control strategy is available commercially or could be used. An owner must apply to the Executive Officer for the exemption in writing at least 90 days prior to committing to the purchase of a non-compliant vehicle or engine.
- (B) For any vehicle or engine added to or replacing a vehicle or engine in an existing active fleet after the applicable implementation date of this rule, when the purchase contract is signed before the adoption date of this rule. This exemption does not apply to the execution of options to acquire vehicles where the option is executed after the date of adoption of this rule.

(c) Emission Control Strategy Failure or Damage.

In the event of a failure or damage of a verified emission control strategy, the following requirements apply:

- (1) Failure or Damage. If a verified emission control strategy fails or is damaged and the emission control strategy manufacturer or authorized dealer determines it cannot be repaired, the

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owner/operator must replace the emission control strategy with another emission control strategy that in conjunction with a certified engine complies with subsection (a)(2).

- (2) Discontinuation of Fuel Verified as an Emission Control Strategy. If an owner/operator discontinues use of a fuel verified as a diesel emission control strategy, the owner/operator must provide notification to the Executive Officer or his or her designee within 30 days of the date of discontinuation.

(d) Record Keeping Requirement

Beginning August 1, 2005, an owner/operator of a sweeper fleet shall maintain the following records for each individual purchase or lease of a sweeper that is added to their fleet after August 1, 2005. Upon request, the owner/operator shall provide to an agent or employee of the Executive Officer or his or her designee the following records for all sweepers subject to this regulation.

- (1) Records Accessible at Terminal. The owner/operator shall keep the following records accessible either in hard copy format or computer records at the terminal where a vehicle normally resides:

- (A) A list by vehicle identification number of all sweeper vehicles identifying each vehicle type; engine manufacturer, model year, family, and series; and date of procurement; and
- (B) Correlated to each vehicle, any installed diesel emission control strategy family name (as per Title 13, CCR, section 2706(g)), its serial number, manufacturer, installation date, and records showing how the engine or DECS combination meets the engine emission requirements; and
- (C) Records of maintenance for any installed diesel emission control strategy;
- (D) Data to demonstrate how the engine and/or verified DECS meets the engine emission standards in subsection (a)(2);
- (E) For fuel or fuel additives used as a diesel emission control strategy, the most recent two years worth of records of purchase that demonstrate usage.
- (F) For each sweeper that an owner/operator is claiming compliance by use of an experimental diesel emission

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control strategy, pursuant to subsection (b)(1), the records of the test plan, including start and end dates of the experiment; diesel particulate matter or NOx emission control strategy manufacturer name and contact information (representative, address, and phone number); name and type of experimental diesel particulate matter emission control strategy; and targeted data to be generated by experiment, correlated to the information in paragraph (1)(A) above, and

- (G) A statement of compliance, prepared by the owner/operator beginning December 31, 2005, and renewed each December 31, thereafter until December 31, 2012, certifying that the owner/operator's sweepers are in compliance as required, including the following:

1. "The [insert name of owner/operator] vehicles at terminal [insert terminal identification number or address] are in compliance with Title 13, California Code of Regulations, section 2025;" and
2. The owner/operator name, address, business telephone; and
3. The signature of the company's agent and date signed.

(2) Records Kept in the Vehicle. For each sweeper, the owner/operator shall keep the following information affixed to the driver's side door jamb, or another readily accessible location known by the driver of each vehicle, in the form of a legible and durable label:

- (A) For any installed diesel emission control strategy, the diesel emission control strategy family name, and the installation date, or
- (B) Engine model year and date of procurement, or
- (C) Engine model year and beginning and ending date of the test plan for an engine for which a company is claiming compliance pursuant to subsection (b)(1).
- (D) Each owner/operator shall maintain these records for each sweeper purchased or leased after August 1, 2005, until it is sold outside of the State of California or is no longer operated at any time in the South Coast Air Basin.

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(f) Contractor Compliance Requirement. A municipality that contracts with any private company for sweeper services shall include language requiring any contractor to be in compliance with all applicable California air pollution control laws and regulations in any new contract for services that the municipality enters and that has an effective date on or after August 1, 2005.

(g) Continuous Compliance. An owner/operator is required to keep each sweeper purchased or leased after August 1, 2005, in compliance with the best available control technology requirements as long as the sweeper is operating in the South Coast Air Basin.

(h) Non-Compliance. The Executive Officer or his/her designee may bring an action for civil penalties as specified in state law and regulations, including, but not limited to, Health and Safety Code Section 39674, for any violation of this section.

(i) Severability. Each provision of this section is severable, and in the event any provision is held invalid, the remainder remains in full force and effect.

NOTE: Authority cited: Sections 39600, 39601, and 39658, Health and Safety Code.

Reference: Sections 39002, 39003, 39658, 43000, 43013, 43018, 43101, 43102, 43104, 43105 and 43700, Health and Safety Code.